

IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 121 OF 2006

SHRI SONU LAXIMON VELIP AND 10
ORS.,

....Appellants

Versus

SHRI DHARMU SANKLU
GAONKAR(SIN.DEC.) THROUGH L.RS.,

....Respondent

Mr. Mahesh Amonkar, Advocate for the Appellants.

Coram:- N. A. BRITTO, J.

Date:- 31st January, 2007

P.C.

Heard Shri Amonkar, the learned Counsel on behalf of the appellants.

2. The appellants herein were the defendants in R.C.S. no. 38/1994/B. The said Civil Suit was filed by the plaintiffs for injunction simpliciter and, inter alia, was based upon the fact that their names were shown in the tenant's column of the Survey Records namely Form I and XIV, and on the order of the Mamlatdar obtained by them subsequently in terms of Section 18(c) of the G.D.D. Agricultural Tenants Act, 1964. The said Civil Suit came to be dismissed by Judgment/Decree dated 21.12.2001 of the learned Civil Judge, Junior Division at Quepem. The plaintiffs filed an appeal against the same to the District Court and the learned Additional District Judge, by her Judgment dated 02.08.2006, set aside the Judgment/Decree of the trial Court and decreed the suit in favour of the plaintiffs.

3. There is no dispute that the injunction sought by the plaintiffs was in relation to survey nos. 51/2, 51/3, 51/4 and 51/6 of Cavrem Village in

Quepem Taluka, which was having Land Registration no. 16544 and was known as 'Gopalmando'. The plaintiffs in support of their case produced the Survey Records as well as the purchase certificate. Against that, the defendants had produced the Land Registration Certificate and some receipts for the supply of Sugarcane to the Sanjivani Sakhar Karkhana in support of their title and in support of their claim for possession, respectively. The learned first Appellate Court has come to the conclusion that the defendants had failed to prove their lineage to the persons whose names stood recorded in the said Land Registration Certificate, in as much as, the said receipts did not show that they are related to the property in dispute. These are findings of fact. In my view, the conclusion arrived at by the learned first Appellate Court could not be faulted. None of the questions framed as substantial question of law arise in this second appeal. The second appeal is, therefore, hereby dismissed in limine.

N. A. BRITTO, J.

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